IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION No.18596 OF 2004

Between:

1 M.V. Subbaiah, S/o. Subba Reddy,
Marripadu Village & Mandal, Nellore District.

2 P. Alphonasamma, W/o. Ourdaiah,
Jaladanki Village & Mandal, Nellore District.

..... PETITIONERS

AND

1 The State Project Director, District Primary Education Programme,
Govt of A.P., Saifabad, Hyderabad.

2 The District Collector, District Primary Education Programme,
Nellore, Nellore District.

3 The Project Co-Orginator/District Educational Officer,

Nellore, Nellore District.

4 Additional Project Coordinator,

District Primary Education Programme, Nellore.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ or order or direction more in the nature of Writ of Mandamus declaring the action of the 2nd respondent in directing the petitioners to appear for Aptitude Test for the purpose of

selection to the post of Mandal Resources Person though the petitioners have been working in the said posts for the last 4 years and for the purpose of continuing in the same post appearing for the test is arbitrary, unreasonable and violative of Articles 14 and 16 of Constitution of India and accordingly set aside the impugned notification issued by the 2nd respondent dated 19.08.2003 including the orders of the Hon'ble A.P. Administrative Tribunal, Hyderabad dated 19.08.2004 made in O.A.No.5897 of 2003 as well as Orders dated 10.09.2003 made in Rev. M.A. No. 2812 of 2004 in O.A.No.5897 of 2003 and consequently direct the respondents to proceed with the selection of Mandal Resource Person in the vacant post only as per the guidelines issued by the 1st respondent in Rc.No.5931/DPEP/B7/2002, dated 05.08.2003 by continuing the Mandal Resource Person in their respective places without subjecting them to fresh process of selection.

Counsel for the Petitioners : MR.G.VIDYASAGAR

Counsel for the Respondents : GP FOR EDUCATION

The Court made the following :

O R D E R

(Per Sri Justice J.Chelameswar)

When matter is taken up, learned counsel for the petitioners Sri G.Vidya Sagar represented that in view of G.O.Rt.No.360, Education (CSS-R&E) Department, dated 21.06.2005, more particularly Clause-8 extracted hereunder, the petitioners do not have any subsisting cause of action:

> 8. Relief:
>
> The present MRPs working shall be relieved as and when the new MRPs are posted.

In the circumstances, the writ petition is disposed of. There shall be no order as to costs.

J.CHELAMESWAR,J

M.VENKATESWARA REDDY,J

6th JULY, 2005

PGS

To

1 The State Project Director, District Primary Education Programme,
Govt of A.P., Saifabad, Hyderabad.

2 The District Collector, District Primary Education Programme,
Nellore, Nellore District.

3 The Project Co-Orginator/District Educational Officer,

Nellore, Nellore District.

4) 2 CD copies

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION No.18596 OF 2004

(Per Sri Justice J.Chelameswar)

6th JULY, 2005